

10/616,279

8

Case 51791AUSD1

REMARKS

Applicants have amended Claim 35. The amendment adds no new matter and is fully supported by the Specification. Claims 24-29, 31-34, 36-41 and 44-46 have been withdrawn in response to a restriction requirement.

Inventor Name Change

Applicants have separately submitted (on September 26, 2005) a petition under 37 CFR 1.182 to change the name of the inventor, from Renate Steinbrecher to Renate Parry.

Objection to Claim 35

The Examiner has objected to Claim 35 because it refers to limitations found in a claim to a non-elected invention. Applicant has amended Claim 35 to incorporate the limitations found within withdrawn Claim 31.

Rejection under 35 U.S.C. §102

The Examiner has rejected Claim 35 under 35 U.S.C. 102(b) as being anticipated by Sheppard (WO 98/45442), as evidenced by Kreitman (Exp. Op. Pharmacother., 2000, 1:1117-1129).

Sheppard prophetically discloses antibodies and antibody fragments that bind zsig25, but provides no information or guidance on which epitopes within the zsig25 sequence are bound by the proposed antibodies.

There is no disclosure within the Sheppard reference which would lead one to choose a particular peptide sequence within the 331 amino acids comprising the zsig25 polypeptide for use as an antigen, and certainly no guidance to use the particular peptide sequences chosen by the Applicants as antigens. The Sheppard reference provides no guidance for determining epitopic regions within the zsig25 peptide, and thus is not enabling for the claimed antibodies.

By contrast, Applicants provide scientific reasoning for their choice of epitopic peptides (SEQ ID Nos: 8-12) (See, e.g. Specification, Page 29, lines 22-33; Page 41, lines 35-38) and have demonstrated binding of antibodies raised against these peptides to the zsig25 (RG-1) protein in cell homogenates and tissue samples. See e.g. Specification, Page 42, Example 5 and Page 43, Example 7, respectively. This type of information is completely deficient in Sheppard.

51791AUSD1amd

10/616,279

9

Case 51791AUSD1

The Examiner states that because the peptide of SEQ ID NO:10 is 100% conserved in the zsig25 sequence, antibodies that bind zsig25 would also bind a polypeptide that comprises SEQ ID NO: 10. Applicants disagree. Antibodies that bind the zsig25 polypeptide would not necessarily bind the specific peptides chosen by Applicants, even though the peptide sequences are found within the complete zsig25 sequence. Antibody generation is strongly dependent on the conformation of the protein used as an antigen and one cannot assume, as the Examiner has, that an antibody raised to a protein would, in fact, bind particular peptide sequences found within the complete protein sequence.

Section §2131 of the MPEP states that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference". Applicants argue that the Sheppard reference does not describe all the elements of the claimed antibodies.

In view of the amendment to Claim 35 and the arguments presented above, Applicants respectfully request the withdrawal of the rejection of Claim 35 under 35 U.S.C. §102 (b).

Provisional Double-Patenting Rejections

The Examiner has provisionally rejected Claim 35 under the doctrine of obviousness-type double patenting as being unpatentable over Claim 26 of copending Application No. 10/624,884. Once claims are indicated as allowable, Applicants will cancel any duplicative subject matter.

Provisional Double-Patenting Rejection

The Examiner has provisionally rejected Claim 35 under the doctrine of obviousness-type double patenting as being unpatentable over Claim 26 of copending Application No. 10/895,183. Once claims are indicated as allowable, Applicants will cancel any duplicative subject matter.

51791AUSD1amd

10/616,279

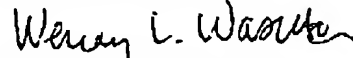
10

Case 51791AUSD1

Conclusion

Applicants respectfully submit that with the submission of newly amended Claim 35 and the arguments presented above, the application is now in condition for allowance. Such action is solicited at an early date.

Respectfully submitted,



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51791AUSD1amd